

Royal Courts of Justice
Strand, London, WC2A 2LL

Tuesday, 22 June 2021

Before:

HER HONOUR JUDGE HARRIS

(In Open Court)

B E T W E E N :

EKANJALI KAUR DHILLON

Applicant

- and -

KAVANDEEP SINGH SAMPURAN

Respondent

Transcript of the Judgment of
Civil Team
Opus
5 New Street Square London EC4A 3BF

MR P. PERRINS (instructed by Waterfords Solicitors) appeared on behalf of the Applicant.

THE RESPONDENT was not present and was not represented.

A P P R O V E D J U D G M E N T

JUDGE HARRIS:

- 1 I am dealing this afternoon with an application made by the judgment creditor former wife, Ekanjali Kaur Dhillon, against the judgment debtor former husband, Kavandeep Singh Sampuran for activation of a suspended committal order made by Her Honour Judge Gibbons on 16 April 2021.
- 2 Present before me today is Mr Phillip Perrins of counsel on behalf of the wife, and I hope that no disrespect is conveyed by my referring to her as the wife, but it is less cumbersome than referring to her as the judgment creditor. Mr Sampuran is not present or represented. He indicated through email that he was out of the country and was seeking an adjournment of the hearing informally by email. He made no formal application.
- 3 Those acting for the wife requested that he be sent a link to the email address they hold, to join the hearing which he could do if he were abroad or otherwise, and he has not done so and it is now nearly 3.20pm, the hearing having been due to commence at three o'clock. I am told by Mr Perrins that there is reason to believe that he is, in fact, in the country, although there is no direct evidence to put before me, and that may assist the tipstaff if I activate the committal order.
- 4 The position is that Her Honour Judge Gibbons had dealt with the original committal application on 4 December 2020, and on that occasion the husband was represented and attended via CVP from India. I have read the judgment of that day. The judgment summons relates to a failure to pay the second instalment of a lump sum order which was the subject of a final order in financial relief proceedings. That lump sum is in the sum of

£230,500. That sum was significantly increased by the time of the hearing before Her Honour Judge Gibbons because there was accrued interest as well as previous costs orders.

5 On that day, the husband chose not to put in any evidence, either written or oral, as was his right, and the learned judge gave a judgment finding in accordance with the Debtors Act that the judgment debtor had failed to pay the sums in issue, and that he had, and had continued to have, the means to pay the judgment sums. Her reasoning is set out in her judgment which, as I have said, I have read. I do not need to repeat the reasoning in this judgment.

6 She did not deal with sentence that day. She adjourned the matter to allow the husband to reflect on her judgment and hopefully to pay the lump sum. That was an expectation which was not fulfilled. The lump sum remains wholly outstanding, and the matter came before her for sentence on 16 April. On that occasion, she made an order that the judgment debtor should be committed to prison for 28 days but, in order to give the husband a final opportunity to pay the sums due, she suspended the order for a period of 14 days, providing that the order would not be put into force if the sum of £271,002.27 was paid by 1600 hours on 30 April 2021.

7 That sum has not been paid, nor has any sum been paid. No further evidence has been put in on behalf of the husband, and therefore the application made today is to activate the suspended order. Technically, there needs to be a statement of default. The sums in default are set out in the D11 and therefore the formalities are all complied with.

8 In all the circumstances, where there has been no attempt by the husband to pay the whole or any part of the judgment sum, nor has any further evidence or explanation been put in, for example as to any change of circumstances since the judge made her order in December or

further order in April, I am entirely satisfied that this suspended order for committal should be activated. No reason has been put forward against that course, which is the course which was inevitably to follow unless good and substantial reason was put forward by the order of 16 April.

- 9 Therefore, I make an order for committal for a period of 28 days. Mr Perrins has very helpfully provided two draft orders. One is the order for committal and the second is the warrant for the husband's arrest to enable him to serve that sentence. Those will need to be completed now and then obviously signed by me. This judgment will also need to go on BAILII as it is a committal.
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CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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